

REMARKS

Applicants appreciate the Examiner's indication of allowable subject matter in Claims 3-4, 7, 9-10, 29, 31, 34, 36, 39, 41, 43, 45, 47, 49, 51, 53, 56, 58, 60, 62, 64, 66, 68 and 70. In order to advance the prosecution of this application, Applicants have amended independent Claim 1 to include the feature of allowed Claim 3 (which is being canceled), and rewrote Claims 4 and 7 in independent form. Accordingly, it is respectfully submitted that independent Claims 1, 4 and 7, and those claims dependent thereon, are in an allowable form and should be allowed.

Applicants will now address each of the Examiner's remaining rejections in the order in which they appear in the Office Action.

Claim Rejections - 35 USC §102

In the Office Action, the Examiner rejects Claims 11-12, 14-17 and 75 under 35 USC §102(b) as being anticipated by Lee et al. This rejection is respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants have amended independent Claim 11 to recite that the film thickness of said nonmagnetic film is in a range of 100 to 550 angstroms.¹

Applicants respectfully submit that Claim 11 as amended is patentable over Lee. For example, the film thickness (1000 Å) in Lee is much thicker than that of the nonmagnetic film of the device of amended Claim 11 which recites a thickness of between 100 to 550 Å. The greater film thickness of Lee makes it much more difficult to control the crystal particle diameter. As explained, for example, on page 7 of the present application, controlling the crystal particle diameter is one

¹ This was previously the subject matter of dependent Claim 13 (now canceled). Applicants note that Claim 13 does not appear to have been rejected over any prior art but was not included in the Examiner's list of allowable subject matter.

object of the present invention. As a result, the device of Claim 11 is different and advantageous over that which is disclosed in Lee.

Therefore, it is respectfully submitted that independent Claim 11 and those claims dependent thereon are not disclosed or suggested by Lee and are patentable thereover. Accordingly, it is requested that this rejection be withdrawn.

Claims Rejections - 35 USC §103

Claims 1 and 5-6

The Examiner also rejects Claims 1 and 5-6 under 35 USC §103(a) as being unpatentable over Kanbe et al. (US 6,403,240). This rejection is also respectfully traversed.

While Applicants traverse this rejection, as explained above, in order to advance the prosecution of this application, Claim 1 has been amended to include the allowable subject matter of Claim 3 and Claims 5-6 have been canceled. Therefore, it is respectfully requested that this rejection be withdrawn.

Claims 18-19, 74 and 76-79

The Examiner also rejects Claims 18-19, 74 and 76-79 under 35 USC §103(a) as being unpatentable over Lee et al. This rejection is also respectfully traversed.

Each of these claims is a dependent claim. Therefore, for at least the reasons discussed herein for the independent claims, these claims are also patentable. Therefore, it is respectfully requested that this rejection be withdrawn.

Conclusion

Accordingly, it is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any further fee should be due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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